

Spouse: Veteran Robert E. Tucker, 9432
Claim #

RE: The Veteran's illness was not the result of his own willfulness
It appears to be others misconduct in negligence.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
OCT 23 2012
JAMES W. McCORMACK, CLERK
By: *[Signature]*
DEP CLERK

4:12-cv-657 KGB

This case assigned to District Judge Baker
and to Magistrate Judge Voipe

To Whom It May Concern my name is Vernedia Tucker, widow of Mr. Robert Earl Tucker. My Husband and I file a tort claim alleging that some of the staff members, who were taking care of Mr. Tucker, did not fulfill their duties. Mr. Tucker were transferred from cardiac step down to a private room D/T he has a history of mental issues the nurse kept calling over To my daughter hospital for me to come back due to emergency of the significant finding while in surgery my daughter was experienced having I had to leave on emergency spare of the moment she the nurse kept calling for me to come back and I did return back I know that my husband has mental issues and can be where he would take a lot of the nurse time so they placed him in a private room on the cardiac floor as well. I (Vernedia) his wife was present with him as well it was a problem with the tubing coming out on this floor cardiac step down and remember him pulling it out as well, but it was placed back and successful results of gastric contents fill the container numerous of time and but when he was transferred around to Nurse Winston Floor and report was given to on coming Nurse Winston and other

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Attending Staff. Winston placed the tubing and Mr. Tucker sneeze around three times and it came out it was not secure and was call to his attention that the tubing was not secured.

Mr. Tucker, tubing came out and Physician refuses to put it back to decompress his abdomen, "Winston Stated" that Physician, did not want to place the N-G Tubing. Due to Mr. Tucker, had an ischemia attack before under the care of the same hospital. Mr. Tucker was placed on the cardiac Step Down on August 12, 2012 we felt like he should have been better monitor. See attachment to further explain in details what occurred the early morning of August 13, 2012. The equipment on the wall was not intact and not working properly. Even if the Physician requested that Mr. Tucker, could have had the tubing replaced back he couldn't receive the proper care due to the faulty of the equipment. Nurse Winston was having problems in finding a container to go on the wall and trying to getting the suction on the wall to work properly. He (Robert) was not offer too relocate to another room where the equipment on the wall was working properly. It appears that Mr. Tucker Heart attack did not pick up on the monitor because the Physician was asked to come back to Mr. Tucker room by Nurse Winston. The Physician Went down to the room to have the script read and came back and told me that me that my husband was having a massive heart attack. Zoom in on surveillances morning of August 13, 2012 at or around five thirty in AM.

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My question is as follow: why didn't the person reading the script from monitor room didn't pick-up on this type of significant event going on so severe? Why was he move in first place from closely monitored on cardiac step down due to surrounding circumstances?

Mr. Tucker has suffered many years with Congestive Heart Failure, previous ischemia attack, TIA and strokes. Due to the fluid build-up and the tubing was not placing down to decompress his abdomen and ample amounts of contents were pulling off, numerous of Containers with gastric secretion contents. Mr. Tucker, Abdomen was so distended and he had difficulty breathing he told the physician. He was agitated, frustrated and restless. Mr. Tucker has been known to have an irregular heart beat and enlarged heart in the past.

Mr. Tucker has end stage Renal Failure and at this time he was not able to excrete properly, and his body maintaining fluid he was given ample amounts of antipsychotic drugs by mouth and IV (Intravenous). Nothing seem to calm him down he told the Physician he were in pain, his stomach was hurting him the lower part of his stomach. Mr. Tucker has a long history with his bowel (constipation) and locking -up and it appears that he received a hernia in his stomach after he had surgery for his internal line for dialysis (Peritoneal Dialysis) treatment at home. The hernia was intact which cause

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his stomach to protrude out a lot as well along with it been distended. He was uncomfortable he just kept squirming and the R.N. Kept bringing him medication prescribed by Physician. I requested for the Physician to come back and see him because none of her methods was working at this time, she order Trazodone 50mg, by mouth for Mr. Tucker.

It appears that this Staff on duty taking care of Mr. Tucker, resulted in wrongful and willful misconduct as to negligence in monitoring Mr. Tucker Care due to his prior medical history at the Veteran McClellan Hospital in Little Rock, Arkansas. Due to serious of his illness his evaluation should have been monitor more closely, Especially after I (Vernedia) request for her to come to his room twice (Robert) room. Mr. Tucker, abdomen looked like it was about too burst. He had projectile vomiting. His blood Pressure was up and blood sugar. He kept repeating and told the Physician that his lower part of his stomach was hurting him badly. As the night progress Mr. Tucker, got worse and worse. Mr. Tucker, Stated "he was pain in lower part of his stomach" he worsens after enduring a great deal of pain and discomfort able.

I file a tort claim and was denied D/T they say they were within scope I disagree with this decision so very much and is willing to file an appeal to prove their negligence's on my husband and I behalf.

RE: Administration Tort Claim File on behalf of Robert E. Tucker
Veteran: Expired February 14, 2012
Filing: Reconsideration Tort Claim

problems abnormal brain scan on Mr. Tucker endures a lot while on this hospital stay at
Veteran McClellan Hospital in August, 2011. If you have any further question please!
Feel free to call me @ (870) 592 – 1499.

I quit my job to come home and take care of my husband due to injury he sustained
within Veteran Hospital. My livelihood was placed on hold due to negligence's of Staff
members at Veteran Hospital.


Sincerely,

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Vernedia Tucker
7100 Deer Run West
Pine Bluff, Ar 71603- 8144

Re: Notification by Certification Mail

This notification was sent certified to my deceased husband. We both file this claim in October 2011 last year. My husband expired on February 14, 2012. If the investigation was conducted in the appropriate way all evidence taken under consideration. I feel like the Investigator would have known Mr. Tucker, had expired upon notify him by certified mailed. Assistant Rodger T. Gray, for Regional Counsel. This notification was also address to Mr. Tucker as well.

Sincerely,

 Vernedia Tucker, Spouse



Department of Veterans Affairs
Office of Regional Counsel
2200 Fort Roots Drive, Bldg 5
North Little Rock, AR 72114
Phone (501)-257-4122
Fax (501)257-4130

April 25, 2012

Robert Tucker
7100 Deer Run West
Pine Bluff, AR 71603

In Reply Refer To: GCL73377

RE: Administrative Tort Claim

Dear Mr. Tucker:

We have completed our evaluation of your administrative tort claim. Our investigation did not disclose any negligent acts or omissions by employees of the Department of Veterans Affairs acting within the scope of their employment. Accordingly, this claim is denied.

If you are dissatisfied with this decision, you may file a request for reconsideration of this claim with the VA General Counsel by any of the following means: (1) you may mail your request to the Department of Veterans Affairs, General Counsel (021B), 810 Vermont Avenue, N.W., Washington, DC 20420; (2) you may file your request by data facsimile (fax) to (202) 273-6385; or (3) you may e-mail your request to OGC.torts@mail.va.gov. To be timely filed, VA must receive this request prior to the expiration of six months from the date of the mailing of this final denial. Upon filing such a request for reconsideration, the Department of Veterans Affairs shall have six months from the date of that filing in which to make final disposition of the claim, and your option to file suit in an appropriate United States District Court under 28 U.S.C. 2675(a) shall not accrue until six months after the filing of such request for reconsideration (28 C.F.R. Section 14.9).

In the alternative, if you are dissatisfied with the action taken on this claim, you may file suit in accordance with the Federal Tort Claims Act, sections 1346(b) and 2671-2680, Title 28, United States Code, which provides that a tort claim that is administratively denied may be presented to a Federal district court for judicial consideration. Such a suit must be initiated within six months after the date of the mailing of this notice of final denial as shown by the date of this letter (section 2401(b), Title 28, United States Code). If you do initiate such a suit, you are further advised that the proper party defendant is the United States, not VA.

Sincerely yours,


ROGER T. GRAY
Assistant Regional Counsel

cc: Medical Center Director, VAMC, Little Rock, AR 72205

Mr. Robert Earl Tucker, Patient 9432

Vernedia M. Tucker, Spouse

7100 DEERRUN WEST

Pine Bluff, Ar 71603

October 19, 2011

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RE: Complaint On Behalf Of Robert E. Tucker

File By: Vernedia Tucker and Robert E. Tucker

Cardiac Step-down Occurring 8-13, 14, 2011

Tort Claim File: Veterans Administration

To whom it may concern: Mr. Tucker was brought to the emergency room Due to a gastrointestinal bleed, Mr. Tucker abdomen was distended and hard. He had projectile vomiting noted. A scan was done on his abdomen on August 12, 2011 and X-rays. Mr. Tucker was diagnosis at that time with possibly Peritonitis or Chronic Bowel Obstruction. Mr. Robert Tucker was admitted to cardiac step-down after being transfer from emergency room on August 12, 2011.

I went with Mr. Tucker, to cardiac Step-down to check-in on the floor at this time I (Vernedia) got an emergency call that my daughter surgery did not go as the Doctor had expected and was asked to come to the Baptist Hospital in Little Rock, Ar. My daughter had made out recover room and I received a call from the nurse on cardiac step-down telling me that they were going to place M.Tucker, in a private room and needed me to returned back to the hospital at once and I explained to the nurse that I will returned back but I had a emergency situation going on at this time with my daughter and I will be right on ASAP! Twenty minutes later the nurse call back and asked were I still coming and I told her it only been twenty minutes but yes I'm on my way right now. I came immediately to cardiac step-down and Mr. Tucker was not ready to be transfer at that time to a private room. I sit and waited for about an hour and we were transferred to a private room.

N-G (Nasogastric Tube) tubing was place to decompression of the stomach, from been so distended. I notice after the nurse brought Mr. Tucker, from Cardiac step-down gave report to the present nurse on the floor that was on duty. I notice the nurse was having some problems in finding a container to go on the wall and trying to get the suction to work. Nurse Winston was the one who place the N-G (Nasogastric) Tube down with no complication noted with the placement of N-G (Nasogastric) Tube. But afterward I notice my husband kept coughing. I mention (Vernedia) to Nurse (Winston) about securing the N-G (Nasogastric) Intubation and Removal Tube, so it won't come out He Stated "It was ok". Mr. Tucker sneezes three times and the N-G tubing came out less then five minutes after the placement. I repeatedly asked him (Winston) was the Doctor going to order for Mr. Tucker, to have the N-G (Nasogastric) tube so that it could help relieve some pressure from his stomach to decompress the abdomen. Nurse Winston, Stated, and "The Doctor say let it stayed out all night". He (Robert) was agitated and in distress as the night progress. Mr. Tucker kept squirming and kept complaining about been short of breath and his lower part of his stomach hurts. Bed Alarms kept going off because he was hanging his legs out the bed, trying to get up out of bed he was lethargy. The medication Nurse R.N. brought Robert Tramadol, Oxycodone, Risperidone, Halidol IV, Trazodone,

Mr. Robert Earl Tucker, Patient 9432

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Vernedia M. Tucker, Spouse

October 19, 2011

7100 DEERRUN WEST

Pine Bluff, Ar 71603

RE: Complaint On Behalf Of Robert E. Tucker

File By: Vernedia Tucker and Robert E. Tucker

Cardiac Step-down Occurring 8-13, 14, 2011

Tort Claim File: Veterans Administration

Cogentin and Klonopin nothing seems to calm him down he kept asking pleas! Sit me up in the chair and I sit him up and he quoted I feel better sitting up and Nurse Winston Observed him sitting up in the chair with assistances of his wife closely monitor bed alarm was working properly.

Mr. Tucker Sit up for about ten minutes and start back to complaining about he was short of breathe and very uncomfortable I asked (Winston) about asking the doctor to replace the tubing.

My husband was uncomfortable he were grunting, restless, irritability and agitated. He was sweating I asked the medication nurse to check his temperature. Mr. Tucker was in great need of rest and for him to be comfortable his abdomen was hard and distended and I mention to the nurse I had been up with him the last four days and I'm in need of rest as well as Mr. Tucker. Please can he (Winston) call the Doctor to come and see him or evaluate him and his condition? The Doctor came to see about Mr. Tucker and he complaining about his lower stomach was hurting and she didn't mention or say anything about replacing of N-G (Nasogastric) Tube to decompress his stomach to give him some kind of relief. The Physician order some Trazodone 50mg and the medication Nurse R.N. brought the medicine in and told me Robert wife (Vernedia) that the physician order some more medication Trazodone 50 mg She Stated "That I can't get him to take his medicine Trazodone 50mg and at that time I stood up (Vernedia) from a sitting position and notice that Mr. Tucker, was in distress difficult breathing, eyes rolling upward, and skin color had change he were darker in color using his accessory muscles and was having difficult speaking. I looked at the medication Nurse and asked her to go and get the head Nurse She Stated "I'm the head nurse and I say to her nooooooh! The head Nurse and she exit the room and within seconds Nurse Winston appear and took a look at Mr. Tucker, and the next thing I know he had exit as well to call the physician and the next thing I know the Physician she asked for a strip of the EKG to be printed and she returned back too me telling me that my husband was having a massive Heart Attack! And next! What appears to be a rapid response team was present to take my husband for an emergency response. The consent was signed immediately by wife okay to treat him with any means necessary to save his life.

Mr. Robert Earl Tucker, Patient 9432

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Vernedia M. Tucker, Spouse

October 19, 2011

7100 DEERRUN WEST

Pine Bluff, Ar 71603

RE: Complaint On Behalf Of Robert E. Tucker

File By: Vernedia Tucker and Robert E. Tucker

Cardiac Step-down Occurring 8-13, 14, 2011

Tort Claim File: Veterans Administration

Problems:

Mr. Tucker is a Peritoneal Dialysis Patient.

Mr. Tucker appears to be over medicated, due to his kidney were not function properly and he was not able to excrete the drugs properly and at the time was not able to be dialysis.

Mr. Tucker, Massive Heart Attack, should have been pick-up on the monitor.

Medication R.N. Nursing assessment was poorly, she didn't know that it was something wrong with my husband by assessing him right off. She was trying to give him a pill (Trazodone 50mg).

Mr. Tucker, N-G (Nasogastric) Tube was not intact it was not secure properly.

The container and the equipment on the wall were not intact and working properly. After placement of N-G Nasogastric) Tube the Nurse had problems with the container and suction equipment to function properly.

Mr. Tucker sneezes three times and the Nasogastric tubing came out about five minutes after it was place. It was not attach.

Mr. Tucker, fluid build -up and tube not place back to decompress his stomach it appeared to have cause lots of problem due to he was not able to excrete properly or be drain.

Fluid volume excess R/T inability of the heart to pump blood from ventricle(s), and decreased blood flow to kidney.

Mr. Tucker was on cardiac Step-down and his Massive Heart Attack should've been monitor more closely due to he had heart problems previously and the fluid build-up his heart should have been monitor more closely to determine that he was having a massive Heart Attack.

He has had irregular heartbeats and a History of Congestive Heart failure in the past and Heart Angina Attack previously.

Mr. Robert Earl Tucker, Patient 9432

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Vernedia M. Tucker, Spouse

October 19, 2011

7100 DEERRUN WEST

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RE: Complaint On Behalf Of Robert E. Tucker

File By: Vernedia Tucker and Robert E. Tucker

Cardiac Step-down Occurring 8-13, 14, 2011

Tort Claim File: Veterans Administration

More invention measurements could have been put into place instead of Medications and Re-evaluation with more prevention measurements. Failed to provide the proper care and monitor his condition.

The Physician on Staff more precaution measurements should've been consider instead of administering different kinds of medications due to his body was not able to excrete it properly, and his body were maintaining fluid.

The Nasogastric tubing should have been place back to help relieve a lot of pressure distress from the abdomen and prevent any fluid building up around the heart.

I the wife (Vernedia) of Mr. Tucker asked the Nurse (Winston) if the Physician could please! Place the Nasogastric tubing back to decompression of his Abdomen, so he wants is so restless, irritability, sweating and agitated. I suggested to Winston if earlier the staff thought it was a problem of Mr. Tucker pulling out his tubing can them restraint him (Mr. Tucker)?

Winston "responded The Doctor say no restraints". Winston Stated "She (Physician) wants to leave out the tubing."

Carelessness, Negligence, lack of proper skills it was not a reasonably expected result. More problems were adding causing additional disabilities. Due to Mr. Tucker, Massive Heart Attack was not monitor properly.

Mr. Tucker, should been more closely follow due to seriousness of his illness.